

AMENDED IN ASSEMBLY APRIL 25, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 66**

**Introduced by Assembly ~~Member Pavley~~ Members Pavley and  
Daucher**

December 21, 2004

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~~An act to amend, repeal, and add Section 17071.75 of, and to add and repeal Sections 14022.7, 14702, 42238.25, 42238.26, 48003, 48004, and 48012 of, the Education Code, relating to kindergarten, and making an appropriation therefor. An act to add Section 48001 to the Education Code, relating to kindergarten.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 66, as amended, Pavley. Kindergarten.

~~(1) Existing~~

*Existing* law generally requires that a child be admitted to a kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. ~~Existing law requires that a child be admitted to the 1st grade of an elementary school during the first month of a school year if the child will have his or her 6th birthday on or before December 2 of that school year.~~ Existing law also establishes the Kindergarten Readiness Pilot Program, to be implemented commencing in the 2006–07 school year, and requires a participating school district to offer admission to kindergarten at the beginning of the school year, or at a later time in the same school year, only to children who will have their 5th birthday on or before September 1 of that school year and to make a corresponding change to the age at which a child is required to be admitted to the 1st grade,

as specified. These pilot program provisions become inoperative on July 1, 2013, and are repealed as of January 1, 2014.

~~This bill would, until July 1, 2010, authorize specified school districts to change the age at which a child is required to be admitted to kindergarten for one or more schools in the district so that a child would be admitted to kindergarten at the beginning of the school year or at any later time in the same school year, if the child will have his or her 5th birthday on or before September 1 of the school year authorize a school district to operate a 2-year kindergarten program, or a 3-year combined kindergarten and grade 1 program by authorizing a school district to admit, with the approval of the parent or guardian, as specified, a child who has not had his or her 5th birthday by December. The bill would authorize the age change to be implemented over a one-year or 3-year period, as provided. The bill would also require a school district that implements the kindergarten age change to make a corresponding change to the age at which a child is required to be admitted to the first grade, as specified. The bill would require the State Department of Education to calculate the amount of the savings in apportionments for revenue limits and categorical programs realized in each fiscal year due to reduced enrollment or average daily attendance that occurs as a result of a school district voluntarily implementing the kindergarten age change. The bill would appropriate the savings identified by the department in each fiscal year to the department for that fiscal year to be allocated to each school district that voluntarily implements the kindergarten age change in an amount equal to the savings generated by the school district. The bill would require the funds to be used for prekindergarten programs, as provided. The funds appropriated by the bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.~~

~~(2) Existing law sets forth a method of determining a school district's ongoing eligibility for new construction funding after an initial report of existing school building capacity has been completed.~~

~~This bill would, until July 1, 2010, require the State Board of Education to supplant that method with one that would eliminate any adverse impact on funding that would result when a school district voluntarily changes the age at which a pupil is required to be admitted to kindergarten pursuant to the bill.~~

~~(3) Existing law sets forth a method for computing the average daily attendance of pupils for the purpose of computing revenue limits for each school district.~~

~~This bill, in order to compensate a school district that voluntarily changes the age at which a pupil is required to be admitted to kindergarten for the loss in average daily attendance, would, until July 1, 2010, pursuant to a specified formula, increase the number of units of average daily attendance for a school district for the purpose of computing the revenue limit of a school district for each of the years that the reduced kindergarten class or classes move from kindergarten to grade 12. The bill would require a school district to expend funds received pursuant to the formula to create and enhance prekindergarten programs in the district, as specified.~~

~~(4) Section 8 of Article XVI of the California Constitution (Proposition 98) sets forth a formula for computing the minimum amount of General Fund revenues that the state is required to appropriate for the support of school districts and community colleges for each fiscal year. That formula is adjusted in certain fiscal years for changes in pupil enrollment. Other existing law, the California State Lottery Act of 1984, an initiative measure, requires that specified percentages of annual revenues from the state lottery be allocated to public education. Existing law requires those payments to be made to public school districts on the basis of an equal amount for each unit of average daily attendance.~~

~~This bill would, until July 1, 2010, specify that for purposes of Proposition 98 and the California State Lottery Act of 1984, the computation of average daily attendance includes the total statewide number of units of average daily attendance computed pursuant to the bill.~~

Vote: majority. Appropriation: ~~yes~~ no. Fiscal committee: ~~yes~~ no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 48001 is added to the Education Code,
- 2     to read:
- 3     48001. (a) Notwithstanding any other provision of law, a
- 4     school district may operate a two-year kindergarten program, or
- 5     a three-year combined kindergarten and grade 1 program, at one
- 6     or more schools pursuant to this section.

1     ***(b) A program shall be implemented so that a child shall be***  
2     ***admitted to a program at the beginning of the school year, or at***  
3     ***any later time in the same school year, if his or her fifth birthday***  
4     ***will occur on or before December 2 of that school year. A child***  
5     ***who has had his or her fifth birthday by December 2 may be***  
6     ***admitted with the approval of the parent or guardian, subject to***  
7     ***the condition that the parent or guardian is given information***  
8     ***regarding the advantages and disadvantages and any other***  
9     ***explanatory information about the effect of this early admission***  
10    ***program.***

11    ***(c) A program shall do all of the following:***

12    ***(1) Make a placement recommendation for a child based on***  
13    ***age, readiness, and other relevant factors.***

14    ***(2) Administer an age-appropriate curriculum developed by***  
15    ***the school district. In developing the curriculum, the school***  
16    ***district shall consider the developmental, cognitive, and social***  
17    ***skills of a child.***

18    ***(3) Provide instructors that hold a preliminary or professional***  
19    ***clear credential.***

20    ***(d) Once a child is admitted to a program, a school district***  
21    ***shall not remove that child from the program without the***  
22    ***approval of the parent or guardian.***

23    ***(e) Upon the completion of the kindergarten portion of a***  
24    ***program, or as provided pursuant to Section 48010, a child shall***  
25    ***be admitted to grade 1.***

26    ***(f) The school district may evaluate a program to determine its***  
27    ***impact on special education placements, literacy at grade level,***  
28    ***and other indicia of improvement. The evaluation shall include***  
29    ***entrance and exit examinations of children.***

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32     **All matter omitted in this version of the bill**  
33     **appears in the bill as introduced in**  
34     **Assembly, December 21, 2004 (JR11)**  
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